

The opinion in support of the decision being entered today was ~~not~~ written for publication and is not binding precedent of the Board.

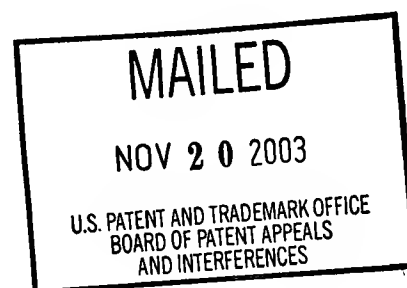
Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ERIC RASPE and
YVES BONHOMME

Application No. 09/646,924



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 2, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

A fee of \$750.00 for filing a Request for Continued Examination (RCE) was charged on September 22, 2003. However, the paper was not in the administrative file.

On November 10, 2003, Dianne E. Maggard, Paralegal Specialist at the Board of Patent Appeals and Interferences, spoke with Nicole E. Kinsey, counsel for the appellants, concerning the RCE. Counsel faxed a copy of this paper indicating that the RCE under 37 CFR § 1.114, was filed September 16, 2003. Pursuant to the notice

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entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, it is

ORDERED that the application is returned to the Examiner for appropriate action.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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